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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,059	02/11/2002	Chen Chun Chen	DF.DEL003A	7480
27299	7590	08/18/2004	EXAMINER	
GAZDZINSKI & ASSOCIATES 11440 WEST BERNARDO COURT, SUITE 375 SAN DIEGO, CA 92127			GUSHI, ROSS N	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,059

Applicant(s)

CHEN ET AL.

Examiner

Ross N. Gushi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 8 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Schantz and Seidler. The admitted prior art discloses the device as claimed in claims 1 and 8, except that the admitted prior art does not include the free end of the second strip having a notch and projecting plate for fastening the bare wire. Schantz discloses a terminal 10 including a notch and projecting plate 16 which are used to fasten bare wire 26 to the terminal. At the time of the invention, it would have been obvious to replace the hole 4331 in the second strip with a notch and projecting plate as taught in Schantz. The suggestion or motivation for doing so would have been to better secure the wire to the terminal prior to soldering so that the wire does not inadvertently detach, as taught in Schantz (see col. 1, lines 15-50 and col. 2, lines 45-60). Schantz teaches that the tab can be located "in the terminal 10 at the location where it is desired to solder the end of the conductor" (col. 2, lines 20-25) but does not explicitly teach that the notch be made in the free end of the terminal strip. Seidler teaches terminal strip 16 including a notch and plate 36 configuration for holding conductive mass 28 where the notch and plate are located at the free end of the strip. At the time of the invention, it would have been obvious to locate the notch in the

admitted prior art at the free end of the strip as taught in Seidler. The exact location of the notch would have been a matter of design engineering choice, given that Schantz notes that the tab may be located at any location where it is desired to solder the end of the conductor.

Regarding the limitation that the width of the plate be slightly less than the width of the notch, it is inherent that the width of the plate would have been slightly less than the width of the notch or aperture.

Regarding claims 2 and 3, Schantz does not identify the elevation angle of the plate. However, Schantz does teach that the tabs may be pressed down over the top of the conductor (col. 2, lines 45-46) and that pressing may not be necessary "if the offset of tab 16 is correct for reasonably snug insertion." Col. 2, lines 58-60. At the time of the invention, it would have been obvious to choose an appropriate angle as desired, including angles between 20-50 degrees or 30-45 degrees. The suggestion or motivation for doing so would have been to accommodate a conductor of a desirable size, as taught in Schantz.

Response to Arguments

Applicant's arguments filed 7/29/04 have been considered. Applicant notes that there are particular advantages to having the width of the plate be slightly less than the width of the notch. The examiner does not contest this argument, but maintains that the feature is inherent in the cited art. The applicant argues that the limitation of the plate width being slightly less than the notch width is not taught in the relevant prior art and points out that the examiner has previously indicated the same. The examiner's

previous comments notwithstanding, the subsequently enlightened examiner now proclaims that it is inherent that the width of the plate be slightly less than the width of the notch. The act of separating the plate from the notch results in the plate width being less than the notch width. Furthermore, it is not that such width may result from the separation of the plate and notch, but rather it is the necessary and incontrovertible result of the separation of the plate and notch. See MPEP section 2112; In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (571) 272-2005. If attempts to reach the examiner by phone are unsuccessful, the examiner's

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supervisor, Paula A. Bradley, can be reached at 571-272-2800 extension 33. The phone number for the Group's facsimile is (703) 872-9306.

A handwritten signature in black ink, appearing to read "Ross Gushi", written in a cursive style.

ROSS GUSHI
PRIMARY EXAMINEE